

CITY-COUNTY GENERAL ORDINANCE NO. 203, 1995  
Proposal No. 750, 1955  
METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 95-AO-12

A GENERAL ORDINANCE amending the Special Districts Zoning Ordinance of Marion County, Indiana, by 1) repealing the Special Use Districts Ordinance and including the language of that ordinance in the Special Districts Zoning Ordinance; and, 2) allow for Administrator's Approval of certain low intensity development.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission ("MDC") of Marion County, Indiana as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana Ordinances for the zoning or districting of all lands within the County for the purposes of securing adequate light, air convenience of access, and safety from fire, flood and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and

WHEREAS, the MDC of Marion County, Indiana, has adopted and certified, pursuant to IC 36-7-4, various segments of its Comprehensive Plan of Marion County, Indiana;

WHEREAS, the recent amendments to IC 36-7-4 regarding development plans need to be reflected in the Special Districts Zoning Ordinance and this ordinance amendment brings the Special Districts Zoning Ordinance into compliance with the 1400 Series - Development Plans (P.L. 320-1995, 22) of IC 36-7-4; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Special Use Districts Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Number 66-AO-3, as amended, pursuant to IC 36-7-4, is hereby repealed.

SECTION 2. The language of the former Special Use Districts Zoning Ordinance shall be recodified and combined into the Special Districts Zoning Ordinance in the following manner: \*

- a. delete the stricken-through language from the former ordinance;
- b. insert the underscored language into the applicable sections of the ordinance; and,
- c. insert non-altered language into the applicable sections of the ordinance.

SECTION 3. The language of the Special Districts Zoning Ordinance shall be further amended by deleting the crosshatched language and inserting the underscored language as follows:

CHAPTER I

Sec. 1.00. Establishment of Special Zoning Districts.

A. *Establishment of Special Zoning Districts.* The following primary Special Zoning District for Indianapolis/Marion County are hereby established, and land within Indianapolis is hereby classified, divided and zoned into said districts as designated on the Zoning Base Maps, which maps are ~~attached~~ hereby incorporated herein by reference and made a part of this ordinance:

|                |                   |
|----------------|-------------------|
| Park Districts |                   |
| PK-1           | Park District One |
| PK-2           | Park District Two |

Hospital Districts  
HD-1 Hospital District One  
HD-2 Hospital District Two

University Quarter Districts  
UQ-1 University Quarter District One  
UQ-2(B) University Quarter District Two (Butler University)

B. *Establishment of Special Use Zoning Districts - Permitted Uses.* The following primary Special Use Zoning Districts for Marion County, Indiana, are hereby established, and land within said County zoned to said district classifications shall be designated on the applicable ~~z~~Zoning Base ~~m~~Maps by the following zoning district symbols, respectively (which maps are hereby incorporated by reference and made a part of this ordinance). No use shall be permitted in any Special Use Zoning District other than the following permitted use or uses specified for each said District, respectively:

| <u>Special Use</u><br><u>Zoning District</u> | <u>Symbol</u> | <u>Permitted Use</u>  |
|--|---------------|---|
| I  | SU-1          | Religious use (as defined in Section 2.045, B)  |
| II   | SU-2          | School  |
| III  | SU-3          | Golf course, golf driving range, golf country club--public or private   |
| V  | SU-5          | Radio receiving or broadcasting tower and accessory buildings   |
| VI   | SU-6          | Hospital, sanitarium, nursing home  |
| VII  | SU-7          | Charitable, philanthropic and not-for-profit institution  |
| VIII   | SU-8          | Correctional and penal institution  |
| IX   | SU-9          | Building(s) and grounds used by any department of town, city, township, county, state or federal government                                 |
| X  | SU-10         | Cemetery  |
| XIII   | SU-13         | Sanitary landfill   |
| XVI  | SU-16         | Indoor and outdoor commercial amusement, recreation and entertainment establishment   |
| XVIII  | SU-18         | Light or power substation   |
| XX   | SU-20         | Telephone exchange offices  |
| XXIII  | SU-23         | Permanent gravel or sand processing plant, rock crushing, grinding or milling and stock piling  |
| XXVIII                                       | SU-28         | Petroleum refinery and petroleum products storage   |
| XXXIV  | SU-34         | a. Club rooms<br>b. Fraternal rooms -- fraternity and lodge<br>c. Ballroom -- public  |
| XXXV   | SU-35         | Telecommunication receiving or broadcasting tower and associated accessory buildings  |
| XXXVII                                       | SU-37         | Library   |
| XXXVIII                                      | SU-38         | Community Center  |
| XXXVIV                                       | SU-39         | Water tank, water pumping station and similar structures not located on buildings   |
| XXXXI  | SU-41         | Sewage disposal plant; garbage feeding and disposal   |
| XXXXII                                       | SU-42         | Gas utility   |
| XXXXIII                                      | SU-43         | Power transmission  |
| XXXXIV                                       | SU-44         | Off-track pari mutuel wagering facilities, licensed as satellite facilities under IC 4-31-5.5 (Off-track betting facilities, G.O. 92, 1994) |

Including for each said district, Accessory Uses and Structures, subordinate, appropriate and incidental to the above permitted primary uses.

## CHAPTER II

### Sec. 2.00. General Regulations.

A. *Applicability of Regulations.* The following regulations shall apply to all land within the Special Zoning Districts. After the effective date of this ordinance:

1. With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.
2. No building, structure, premise or part thereof shall be constructed, erected, converted, enlarged, extended reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance.

Provided, however, legally established nonconforming uses and structures or buildings not located in any Flood Control District may be restored to their original dimensions and conditions if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the structure or facilities affected.

B. *Performance Standards.* All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

1. *Vibration.* No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
2. *Smoke, dust and particulate matter.* Smoke, dust, particulate matter and any other airborne material shall be subject to the standards and regulations of Chapter Four of the Municipal Code of the City of Indianapolis, Indiana, which ordinance is on file in the office of the Neighborhood and Development Services Division of the Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference. The standards and regulations noted in Chapter Four of the Municipal Code of the City of Indianapolis for the emission of smoke and particulate matter are hereby incorporated by reference and made a part hereof.
3. *Noxious matter.* No use shall discharge across the lot lines, noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
4. *Odor.* No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
5. *Sound.* No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat, frequency, shrillness or vibration.
6. *Heat and glare.* No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
7. *Waste matter.* No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, and the Stream Pollution Control Board of the State of Indiana and

the Department of Public Works of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

C. *Development Plans Required.* A site and development plan shall be required in the PK-1, PK-2, HD-1, HD-2, UQ-1, UQ-2(B), and all SU Districts. Development requirements which must be met for the approval of a site and development plan are specified in each of the respective districts.

D. *Commitments.* The Commission may permit or require commitments.

E. *State Statute Citation.* The applicable Indiana Planning and Zoning Law pertaining to this ordinance is the 1400 Series - Development Plans [P.L. 320-1995, 22] of IC 36-7-4. Regulations contained in, and revisions to, this ordinance reflect the provisions of the 1400 Series - Development Plans.

Sec. 2.01. Park District Regulations.

A. *Permitted Park District Uses.*

1. *Park District One (PK-1) uses.* Public playgrounds, play fields, ball fields, ball courts, tennis courts, spray or wading pools, outdoor swimming pools, ice skating, picnicking, boating, fishing, wild life refuges, botanical gardens, arboreta, scenic areas, greenways, bridle paths, hiking and bicycle trails, and such other primary park or recreational uses, or uses incidental and accessory thereto, as are included within any site and development plan filed with and approved by the Commission as hereinafter provided.

Provided, however, that no use not specifically enumerated, nor any building or structure shall hereafter be constructed or used on any land in the PK-1 DISTRICT for any purpose other than lawfully existed on or prior to May 7, 1969 until a site and development plan for said land and all Park District lands of which it is a common tract (showing the location of existing and proposed park uses, including the location and proposed use of such building or structure to be built or used, or the proposed use not specifically enumerated as a permitted use) shall have been filed with and approved by the Commission unless enumerated in Section 2.01, GD (Specific Exemptions - Administrator's Approval).

2. *Permitted Park Perimeter - Special District Two (PK-2) Uses.* Permitted Uses, as approved by the Commission as hereinafter provided:
  - a. Any dwelling use, including single-family or multi-family, attached or detached dwellings, subject to all standards, requirements and regulations of the Dwelling Districts Zoning Ordinance of Marion County, Indiana, 89-AO-2, as amended, specified in the petition for such Commission approval.
  - b. Any commercial office use, office complex, commercial office -- apartment complex, or other planned complex, which may include business, professional and consumer service offices, retail sales and service uses or other appropriate uses and accessory facilities.
  - c. Regional, community or neighborhood shopping center, commercial center-office-apartment complex, apartment hotels, hotels, motels or other similar single commercial use or multi-use planned complex, including business, professional and consumer service offices, retail sales and service uses, or other appropriate uses and accessory facilities.
  - d. Office-commercial-industrial research and development park or complex or other commercial-industrial use or combination thereof (subject to all standards, requirements and regulations of Section 2.056 of the Industrial Zoning Ordinance, (I-1-U Restricted Industrial Urban District) 63-AO-4, as amended, and accessory facilities.

- e. Public and semipublic structures and uses, parks and open space, including but not limited to museums, auditoriums, theaters, amphitheaters, exhibition halls or exhibition spaces, libraries, civic centers, university or college campus or other educational office complexes, malls, greenways, or other appropriate and accessory facilities.
- f. Residential-recreational-commercial planned complex, including multifamily dwellings, townhouses, condominium, cluster-housing or other planned residential development in combination with open space, recreational-commercial development including golf course, country club, riding stable, tennis or swimming club, marina, lake development or other recreational, public or semi-public, commercial or non-commercial uses, and accessory facilities.
- g. Any other appropriate planned land use, complex or combination of land uses.

Provided, however, that no use, building or structure shall hereafter be established or constructed on any land in the PK-2 District until such proposed use, and a site and development plan for the use shall have been filed with and approved by the Commission unless enumerated in Section 2.01, GD (Specific Exemptions - Administrator's Approval).

B. *Site and Development Plan Consideration.* The Commission may consider and act upon any proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public hearing of the Commission.

The Commission shall prescribe in its Rules of Procedure the requirements for an Approval Petition for site and development plan consideration which shall be filed. In addition, the Rules of Procedure set forth the fees, hearing process, notice, and amendment procedures relative to any petition.

~~In the PK-1 District, public notice of such meeting shall be required only to registered neighborhood organizations whose boundaries include all or part of the subject request. In addition, the governmental unit or department filing such plan shall have the right to appear and be heard.~~

~~In the PK-2 District, public notice and notice to adjoining land owners by the petitioner shall be required in accordance with the Commission's Rules of Procedure.~~

1. Plan documentation and supporting information. Said site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:

- a. Proposed Park District uses.
- b. Any existing uses, buildings and structures.
- c. Proposed buildings and structures.
- d. Off-street parking layouts.
- e. Vehicular entrances and exits and turn-off lanes.
- f. Setbacks.
- g. Landscaping, screens, walls, fences.
- h. Signs, including location, size and design thereof.
- i. Sewage disposal facilities.

- j. Storm drainage facilities.
  - k. Other utilities if above ground facilities are needed.
2. Site and development plan requirements. Land in the PK-1 and PK-2 Districts is subject to the following site and development requirements.

In review of the proposed site and development plan, the Commission shall assess whether Such said site and development plan, and proposed uses, buildings and structures shall:

- 4 a. Be in conformity with the Comprehensive Plan of Marion County, Indiana, including the Comprehensive Park Plan for Marion County, Indiana, adopted by Commission Resolution 65-CPS-R-2, as amended;
- 2 b. Create and maintain a desirable, efficient and economical land use with high functional and aesthetic value, attractiveness and compatibility of land uses, with adjacent park and other land uses;
- 3 c. Provide sufficient and adequate access, parking and loading areas;
- 4 d. Provide adequate traffic control and street plan integration with existing and planned public streets and interior access roads;
- 5 e. Provide adequately for sanitation, drainage and public utilities; and
- 6 f. Allocate adequate sites for all uses proposed - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana, including said Comprehensive Park Plan for Marion County, Indiana.

The Commission may consider and act upon any such proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission.

3. Commission Findings. The Commission shall make written findings concerning any decision to approve or disapprove a site and development plan filed under this Section. The written findings shall be based upon the requirements of Section 2.01, B, 2 above. The President or Secretary of the Commission shall be responsible for signing the written findings.

C. Public Notice.

PK-1 District - Public notice of the hearing regarding such petition shall be required only to registered neighborhood organizations whose boundaries include all or part of the subject request.

PK-2 District - Public notice of the hearing regarding such petition shall be required in accordance with the Commission's Rules of Procedure.

All land use within the PK-1 and PK-2 DISTRICTS shall be subject to all requirements of Section 1.00, C and D of The Improvement Location Permit Ordinance, 68-AO-11, as amended, relative to conformity with all conditions and commitments of the applicable Commission approval or Board of Zoning Appeals grant of a variance.

~~No use, building or structure shall be established or erected in any PARK DISTRICT without an Improvement Location Permit. An Improvement Location Permit shall not be issued until the proposed use and said site and development plan, or such part thereof as includes the proposed uses, buildings or structures, shall have been approved by the Commission, unless exempt under Section 2.01, C below. Applications for Improvement Location Permits shall be made upon Department of Metropolitan Department forms and shall include all information specified by such forms.~~

GD. Specific Exemptions - Administrator's Approval.

1. Administrator's Approval. The filing of an Approval Petition and subsequent Commission Approval shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements in the PK-1 and PK-2 Districts. Such structures and improvements, however, shall be required to obtain Administrator's Approval prior to the issuance of an Improvement Location Permit. All provisions and regulations of the zoning ordinance applicable in the particular situation, or commitments related to prior Commission Approval, shall continue to apply. The Administrator shall be required to use the standards of Section 2.01, B, 2 in the review and disposition of such structures and improvements.
2. a. Improvements to existing structures that do not increase the usable floor area of that structure (for example: canopies, awnings, vestibules, roof line changes, or similar features).
2. b. Additions to existing structures which are less than:
  - One thousand (1,000) square feet in the PK-1 District
  - One thousand (1,000) square feet for residential uses, within the PK-2 District
  - Two thousand five hundred (2,500) square feet for all other uses within the PK-2 District
3. c. In the PK-1 District, any new structure which is less than two thousand five hundred (2,500) square feet, provided the structure:
  - Is in substantial conformance with the applicable adopted Park Master Plan, or,
  - Is an accessory support structure which may not be delineated on the adopted Park Master Plan, the location of which, however, will not affect the implementation of the plan (examples of such structures are golf cart buildings, picnic shelters, maintenance sheds, and rest rooms).
4. d. Any new residential structures in projects or subdivisions previously approved by the Commission. In instances of an approved subdivision, a plat shall have been recorded.
5. e. Accessory structures permitted in connection with residential development
6. f. Landscaping
7. g. Any incidental sign (as defined by the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended)
2. Appeal of Administrator's Decision. Where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to appeal such action by

the Administrator before the Metropolitan Development Commission for its review and approval or disapproval as an appeal in the form of an Approval Petition. Such appeal shall be filed within ten (10) business days of approval or denial of said approval as specified in, and following, the Rules of Procedure of the Metropolitan Development Commission. In any appeal, the Commission shall make written findings of its decision as required in Section 2.01, B, 3.

E. Improvement Location Permit Requirements. All land use within the PK-1 and PK-2 Districts shall be subject to all requirements of Section 1.00, C and D of The Improvement Location Permit Ordinance, 68-AO-11, as amended, relative to conformity with all conditions and commitments of the applicable Commission approval or Board of Zoning Appeals grant of a variance.

No use, building or structure shall be established or erected in any Park District without an Improvement Location Permit. An Improvement Location Permit shall not be issued until the proposed use and said site and development plan, or such part thereof as includes the proposed uses, buildings or structures, shall have been approved by the Commission, unless exempt under Section 2.01, D. Applications for Improvement Location Permits shall be made upon Department of Metropolitan Department forms and shall include all information specified by such forms.

DE. Park District Development Standards

Park District One (PK-1) Development Standards. The following development standards shall apply to all land within Park District One:

1. *Location.* Public parks larger than ten (10) acres shall be located with direct access to and frontage on a collector street, or a street designated on the Official Thoroughfare Plan of Marion County, Indiana (adopted March 6, 1991), as a primary or secondary thoroughfare, parkway, expressway or freeway.
2. *Minimum lot area.* There shall be no minimum lot area.
3. *Setback lines and minimum front yards.*
  - a. Front yards, having a minimum depth in accordance with the following setback requirements shall be provided along all street right-of-way lines:
    - (1) Expressway, Parkway or Primary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana, adopted March 6, 1991). No part of any structure shall be built closer than sixty (60) feet to any right-of-way line of an expressway, parkway or primary thoroughfare.
    - (2) Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana, adopted March 6, 1991). No part of any structure shall be built closer than forty (40) feet to any right-of-way line of a secondary thoroughfare.
    - (3) Collector Street. No part of any structure shall be built closer than thirty (30) feet to any right-of-way line of a collector street.
    - (4) Local Street, Marginal Access Street or Cul-de-Sac. No part of any structure shall be built closer than twenty-five (25) feet to any right-of-way line of a local street, marginal access street, or cul-de-sac, with the exception of the vehicular turnaround thereof. No part of any structure shall be built closer than twenty (20) feet to any right-of-way line of the vehicular turnaround of a cul-de-sac.



Provided, however, that along the right-of-way line of any street, highway, or thoroughfare where access rights thereto have been purchased or otherwise acquired by the governmental agency having jurisdiction thereof, yards having a minimum depth of thirty (30) feet shall be provided.

Exception: Eaves, cornices or other laterally-supported extensions may extend into the front yard setback a maximum of four (4) feet.

4. *Maximum height.* Thirty-five (35) feet.
5. *Off-street parking.*
  - a. Adequate off-street parking spaces shall be provided for the various PK-1 District park activities and uses.
  - b. Off-street parking area for all uses in the PK-1 DISTRICT shall be developed and maintained in accordance with the following requirements:
    - (1) Off-street parking entrances and exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two (2) intersecting street right-of-way lines. Such access cuts from a public street shall further conform to all requirements of the traffic engineering department having jurisdiction thereof.
    - (2) The surface of parking areas shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or sidewalks.
    - (3) Lighting facilities used to illuminate parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent users.
  - c. The distance of driveways and parking areas from any adjacent property line shall be at least twenty (20) feet.
6. *Signs.* Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

Park District Two (PK-2) Development Standards. All development within the Park District Two (PK-2) District shall be in accordance with the site and development plan, as approved by the Commission in accordance with this Section.

#### Sec. 2.02. Hospital District Regulations.

##### *Statements of Purpose:*

*Hospital District One (HD-1).* The HD-1 zoning category is designed to permit and facilitate the development, expansion, and modernization of a major hospital complex or campus, in which a diversity of uses, functions, and facilities is necessary to best perform the hospital's various services to the public; and, further to permit appropriate land use modifications as necessary to facilitate the highest level of such service.

*Hospital District Two (HD-2).* The HD-2 zoning category is designed to: (1) permit and facilitate the logical association of a diversity of land uses in close proximity to a major hospital complex; (2) to provide adequate land area for such hospital-related uses; and, (3) to assure a quality and character of site development that will create the environment of safety, quietness, attractiveness and convenience compatible with such hospital complex.

*A. Permitted Hospital District Uses.*

1. *Permitted Hospital District One (HD-1) Uses.* All uses permitted within the HD-1 District shall be subject to the Commission's approval, as included with a required site and development plan filed with, and approved by, said Commission as specified in Section 2.02, B.

*Hospital Complex or Hospital Campus*, including the following accessory uses operated by or for the hospital, and integrally related thereto:

- a. Administrative and professional staff offices.
  - b. Apartments and dormitories for hospital staff, personnel and students.
  - c. Cafeterias, gift shops, book stores and other similar convenience functions.
  - d. Medical, research, multi-service convalescent and educational facilities and buildings, and related functions such as laboratories, auditoriums, class and recreation facilities.
  - e. Off-street parking lots and garages for employees, staff, and visitors; and off-street loading facilities.
  - f. Warehouses, maintenance buildings, laundries, food preparation facilities, and utilities structures.
  - g. Other similar uses and facilities.
2. *Permitted Hospital District Two (HD-2) Uses.* All uses permitted within the HD-2 District shall be subject to the Commission's approval, as included within a required site and development plan filed with, and approved by, said Commission as specified in Section 2.02, B.
    - a. Apartments, dormitories, and other higher-intensity, permanent or transient residential structures.
    - b. Commercial parking lots and garages.
    - c. Medical laboratories, surgical and medical supply firms, hospital and sickroom equipment sales and rental.
    - d. Nursing, convalescent and retirement homes.
    - e. Offices for physicians, dentists, and other professions dealing with public health.
    - f. Pharmacies; florists; card and gift shops; restaurants; uniform clothing stores; and similar convenience and specialty sales and service businesses.
    - g. Other similar hospital-related or oriented uses.

B. *Site and Development Plan Consideration.* No use, building or structure shall hereafter be established, constructed or used on any land in the HD-1 or HD-2 District for any purpose other than lawfully existed on or prior to July 17, 1968 until a site and development plan for said land, including the proposed Hospital District use or uses shall have been filed with and approved by the Commission unless enumerated in Section 2.02, B, 3 D (Specific Exemptions - Administrator's Approval).

The Commission shall prescribe in its Rules of Procedure the requirements for an Approval Petition for site and development plan consideration which shall be filed. In addition, the Rules of Procedure set forth the fees, hearing process, notice, and amendment procedures relative to any petition.

1. Plan Documentation and Supporting Information. Said site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:
  - a. Proposed Hospital District uses.
  - b. Any existing uses, buildings and structures.
  - c. Proposed buildings and structures.
  - d. Off-street parking layouts.
  - e. Vehicular entrances and exits and turn-off lanes.
  - f. Setbacks.
  - g. Landscaping, screens, walls, fences.
  - h. Signs, including location, size and design thereof.
  - i. Sewage disposal facilities.
  - j. Storm drainage facilities.
  - k. Other utilities if above ground facilities are needed.

2. Site and Development Requirements. Land in the HD-1 and HD-2 Districts is subject to the following site and development requirements.

In review of the proposed site and development plan, the Commission shall assess whether said  
Such site and development plan, proposed use, and buildings or and structures shall:

- a. be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana.
- b. create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Hospital District and with adjacent uses;
- c. provide sufficient and adequate access, parking and loading areas;
- d. provide traffic control and street plan integration with existing and planned public streets and interior roads;
- e. provide adequately for sanitation, drainage and public utilities; and
- f. allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.

The Commission may consider and act upon any such proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements, or conditions, or commitments thereon at any public hearing of the Commission.

3. Commission Findings. The Commission shall make written findings concerning any decision to approve or disapprove a site and development plan filed under this Section. The written findings shall be based upon the requirements of Section 2.02, B, 2 above. The President or Secretary of the Commission shall be responsible for signing the written findings.

*C. Public Notice.*

HD-1 District: Public notice of the hearing a public hearing of the Commission regarding such petition site and development plan approval shall be required only to registered neighborhood organizations whose boundaries include all or part of the subject request. In addition, the owner/petitioner filing such plan shall have the right to appear and be heard.

HD-2 District: Public notice of the hearing a public hearing of the Commission regarding such petition site and development plan approval, and notice by the petitioner to adjoining land owners (including, additionally, the major hospital of the adjacent HD-1 District) shall be required in accordance with the Commission's Rules of Procedure. In addition, the major hospital of the adjacent HD-1 District shall also receive public notice of the hearing by the petitioner.

2. Improvement Location Permit Requirements. No building or structure shall be erected in the HD-1 or HD-2 District without an Improvement Location Permit. Said permit shall not be issued until the site and development plan, including the proposed Hospital District use or uses and plans for such building or structure, shall have been approved by the Commission, unless exempt under Section 2.02, B, 3 below. Applications for an Improvement Location Permit shall be made upon Department of Metropolitan Development forms and shall include all information specified by such forms.

3D. Specific Exemptions - Administrator's Approval. The filing of an Approval Petition and subsequent Commission Approval shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements in the HD-1 and HD-2 Districts. Such structures and improvements, however, shall be required to obtain Administrator's Approval prior to the issuance of an Improvement Location Permit. All provisions and regulations of the zoning ordinance applicable in the particular situation, or commitments related to prior Commission Approval, shall continue to apply. The Administrator shall be required to use the standards of Section 2.02, B, 2 in the review and disposition of such structures and improvements.

1. Administrator's Approval.

- a. Improvements to existing structures that do not increase the usable floor area of that structure (for example: canopies, awnings, vestibules, roof line changes, or similar features).
- b. Additions to existing structures which are less than two thousand five hundred (2,500) square feet in area.
- c. Accessory structures permitted in connection with residential development.
- d. Landscaping.
- e. Any incidental sign (as defined by the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended).

2. Appeal of Administrator's Decision. Where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to appeal such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval as an appeal in the form of an Approval Petition.

Such appeal shall be filed within ten (10) business days of approval or denial of said approval as specified in, and following, the Rules of Procedure of the Metropolitan Development Commission. In any appeal, the Commission shall make written findings of its decision as required in Section 2.02, B, 3.

2E. Improvement Location Permit Requirements. No building or structure shall be erected in the HD-1 or HD-2 District without an Improvement Location Permit. Said permit shall not be issued until the site and development plan, including the proposed Hospital District use or uses and plans for such building or structure, shall have been approved by the Commission, unless exempt under Section 2.02, B, 3 below. Applications for an Improvement Location Permit shall be made upon Department of Metropolitan Development forms and shall include all information specified by such forms.

GE. Hospital District Development Standards. All development within the Hospital Districts shall be in accordance with the site and development plan, as approved by the Commission in accordance with this Section, 2.02, B.

Sec. 2.03. University Quarter District Regulations

A. Permitted University Quarter District Use.

1. Permitted University Quarter One (UQ-1) Uses.

- a. University Uses, provided, however, prior to the issuance of an Improvement Location Permit for any use, structure, building or development within the UQ-1 DISTRICT, the Commission's approval shall be required unless enumerated in Section 2.03, A, 3, D (Specific Exemptions - Administrator's Approval).

The petition for such UQ-1 approval shall include a site and development plan. ~~The Commission may consider and act upon such petition, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public meeting of the Commission. Public notice thereof shall not be required; however, the owner/petitioner shall have the right to appear and be heard. The proposed use, building or structure and site and development plan shall:~~

- ~~(1) be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan;~~
- ~~(2) create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the University Quarter District and with adjacent uses;~~
- ~~(3) provide sufficient and adequate access, parking and loading areas;~~
- ~~(4) provide traffic control and street plan integration with existing and planned public streets and interior access roads;~~
- ~~(5) provide adequately for sanitation, drainage and public utilities; and~~

- ~~(6) allocate adequate sites for all uses proposed — the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan.~~

2. *Permitted University Quarter Two (Butler University) (UQ-2[B]) Uses.*

- a. Any use permitted in the D-5 Dwelling District, subject to all standards, requirements and regulations of Section 2.07 of the Dwelling Districts Zoning Ordinance (D-5 Dwelling District 5 Regulations), 89-AO-2, as amended. Neither Commission nor Administrator's Approval shall be required for permitted uses in this district, so long as all standards of the Dwelling Districts Zoning Ordinance for D-5 District development are satisfied.
- b. University-related group dwelling use. (dormitory or fraternal organization) providing residence solely for university students or faculty. Provided however, such University-related group dwelling use shall be subject to the Commission's approval, as hereinafter provided, unless enumerated in Section 2.03, A, 3, D (Specific Exemptions - Administrator's Approval), and subject to the development standards of Section 2.03, B E.

The petition for UQ-2(B) University-related group dwelling use approval shall include a site and development plan. ~~The Commission may consider and act upon such petition, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public hearing of the Commission. Public notice thereof and notice by the petitioner to adjoining land owners in accordance with the Commission's Rules of Procedure shall be required. The proposed use, building or structure, and site and development plan shall:~~

- ~~(1) be so designed as to create a superior land development plan, in conformity with the Comprehensive plan of Marion County, Indiana, including the applicable University Quarter Plan;~~
- ~~(2) create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the University Quarter District and with adjacent uses;~~
- ~~(3) indicate sufficient and adequate access, parking and loading areas — except, however, such primary GROUP DWELLING parking area shall not be located within the subject site, but shall be provided within five hundred (500) feet thereof in the adjacent UQ-1 DISTRICT;~~
- ~~(4) provide adequately for sanitation, drainage and public utilities; and~~
- ~~(5) allocate adequate sites for all uses proposed — the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan.~~

B. Site and Development Plan Consideration. The Commission shall prescribe in its Rules of Procedure the requirements for an Approval Petition for site and development plan consideration which shall be filed. In addition the Rules of Procedure set forth the fees, hearing process, notice, and amendment procedures relative to any petition.

1. *Plan Documentation and Supporting Information.* Land in the UQ-1 and UQ-2 Districts is subject to the following site and development requirements.

Said site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:

- a. Proposed University Quarter District uses.
- b. Any existing uses, buildings and structures.
- c. Proposed buildings and structures.

- d. Off-street parking layouts.
  - e. Vehicular entrances and exits and turn-off lanes.
  - f. Setbacks.
  - g. Landscaping, screens, walls, fences.
  - h. Signs, including location, size and design thereof.
  - i. Sewage disposal facilities.
  - j. Storm drainage facilities.
  - k. Other utilities if above ground facilities are needed.
2. Site and Development Requirements. In review of the proposed site and development plan, the Commission shall assess whether said site and development plan, ~~The proposed uses, buildings or structures and site and development plan shall:~~
- 4 a. be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan;
  - 2 b. create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the University Quarter District and with adjacent uses;
  - 3 c. provide sufficient and adequate access, parking and loading areas; except, however, such primary Group Dwelling parking area shall not be located within the subject site, but shall be provided within five hundred (500) feet thereof in the adjacent UQ-1 District;
  - 4 d. provide traffic control and street plan integration with existing and planned public streets and interior access roads;
  - e. provide adequately for sanitation, drainage and public utilities; and,
  - f. allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, consistent with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan.
- The Commission may consider and act upon such petition, approve the same in whole or in part, and impose additional development standards, requirements, ~~or conditions, or commitments~~ thereon at any public meeting of the Commission.
3. Commission Findings. The Commission shall make written findings concerning any decision to approve or disapprove a site and development plan filed under this Section. The written findings shall be based upon the requirements of Section 2.03, B, 2 above. The President or Secretary of the Commission shall be responsible for signing the written findings.

C. Public Notice.

UQ-1 District: Public notice of such petition thereof shall not be required; ~~however, the owner/petitioner shall have the right to appear and be heard.~~



UQ-2(B) District. Public notice of the hearing regarding such petition shall be required thereof and notice by the petitioner to adjoining land owners in accordance with the Commission's Rules of Procedure shall be required.

3D. Specific Exemptions - Administrator's Approval. The filing of an Approval Petition and subsequent Commission Approval shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements in the UQ-1 and University-related group dwelling uses (dormitory or fraternal organization), permitted in the UQ-2(B) Districts. Such structures and improvements, however, shall be required to obtain Administrator's Approval prior to the issuance of an Improvement Location Permit. All provisions and regulations of the zoning ordinance applicable in the particular situation, or commitments related to prior Commission Approval, shall continue to apply. The Administrator shall be required to use the standards of Section 2.03, B, 2 in the review and disposition of such structures and improvements.

1. Administrator's Approval.

- a. Improvements to existing structures that do not increase the usable floor area of that structure (for example: canopies, awnings, vestibules, roof line changes, or similar features).
- b. Additions to existing structures which are less than two thousand five hundred (2,500) square feet in area (UQ-1 District only).
- c. Landscaping.
- d. Any incidental sign (as defined by the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended).

2. Appeal of Administrator's Decision. Where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to appeal such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval as an appeal in the form of an Approval Petition. Such appeal shall be filed within ten (10) business days of approval or denial of said approval as specified in, and following, the Rules of Procedure of the Metropolitan Development Commission. In any appeal, the Commission shall make written findings of its decision as required in Section 2.03, B, 3.

E. Improvement Location Permit Requirements. No building or structure shall be erected in the UQ-1 or UQ-2(B) District without an Improvement Location Permit. Said permit shall not be issued until the site and development plan, including the proposed University Quarter District use or uses and plans for such building or structure, shall have been approved by the Commission, unless: 1) such building or structure complies with Section 2.03, A, 2, a; or, is exempt under Section 2.03, D. Applications for an Improvement Location Permit shall be made upon Department of Metropolitan Development forms and shall include all information specified by such forms.

BE. University Quarter District Development Standards.

1. Development Standards - UQ-1 District.

a. Setback lines and minimum yards.

- (1) Setback line and minimum front yard: Yards, having a minimum depth in accordance with the setback requirements of Section 2.21, A of the Dwelling District Zoning Ordinance, 89-AO-2, as amended, shall be provided along all street right-of-way lines.

- (2) Minimum side and rear yards: fifteen (15) feet or one (1) foot for each foot of building height, whichever is greater.
  - b. *Maximum building area.* Building area (as defined in Section 2.25 of the Dwelling Districts Zoning Ordinance), 89-AO-2, as amended, shall not exceed forty percent (40%) of the lot area.
  - c. *Maximum height.* Thirty-five (35) feet
2. *Development Standards - UQ-2(B), University-related group dwelling uses.*
- a. *Setback lines and minimum yards.*
    - (1) Setback line and minimum front yard: Yards, having a minimum depth in accordance with the setback requirements of Section 2.21, A of the Dwelling District Zoning Ordinance, 89-AO-2, as amended, shall be provided along all street right-of-way lines.
    - (2) Minimum side and rear yards: fifteen (15) feet or one (1) foot for each foot of building height, which ever is greater.
  - b. *Maximum building area.* Building area (as defined in Section 2.25 of the Dwelling Districts Zoning Ordinance), 89-AO-2, as amended, shall not exceed forty percent (40%) of the lot area.
  - c. *Maximum height.* Thirty-five (35) feet

Sec. 2.04. Special Use District Regulations.

The following regulations shall apply to all land within the Special Use Districts.

A. *Applicability of Regulations for Special Use (SU) Districts.* After the effective date of this ordinance:

1. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance and until the proposed site and development plan and landscape plan have been filed with and approved on behalf of the Metropolitan Development Commission by the Administrator of the Neighborhood and Development Services Division or approved by said Metropolitan Development Commission, as hereinafter provided. Said request shall be in the form of an application for an Improvement Location Permit, following all requirements for plan submission and documentation of the Improvement Location Permit Ordinance (68-AO-11, as amended) and shall contain the information specified in Section 2.04, B, 1.

~~Upon the application for such permit request, the Administrator of the Neighborhood and Development Services Division on behalf of the Metropolitan Development Commission, shall consider and either approve, disapprove, or approve subject to any conditions, amendments or covenants by the petitioner, the proposed site and development plan and landscape plan. (The action of the Administrator upon such permit application shall be subject to the filing of an appeal in the form of an Approval Petition, within ten (10) days of denial of said approval, by any aggrieved person to the Metropolitan Development Commission as specified in the Rules of Procedure of the Metropolitan Development Commission.)~~

~~The Metropolitan Development Commission may consider and act upon such appeals of the action of the Administrator at any public meeting of the Commission, and shall either approve, disapprove, or approve subject to any conditions, amendments, or covenants by the petitioner, the~~

~~site and development plan and landscape plan. The Approval Petition shall be heard in accordance with the Metropolitan Development Commission's Rules of Procedure.~~

~~No building or structure shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated in said Special Use Districts of Indianapolis, Marion County, Indiana, without an Improvement Location Permit, and said permit shall not be issued until the proposed site and development plan has been approved in accordance with this section.~~

- ~~2. Legally established nonconforming uses and structures or buildings not located in any Flood Control District may be restored to their original dimensions and conditions if damaged or partially destroyed by fire or other naturally occurring disaster, provided the damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the building or structure affected.~~
32. All land use within the Special Use Districts shall be limited to the use or uses existing on the effective date of this ordinance or specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to that District.

B. Site and Development Plan Consideration. Upon the application for such permit, the Administrator of the Neighborhood and Development Services Division on behalf of the Metropolitan Development Commission, shall consider and either approve, disapprove, or approve subject to any conditions, amendments or commitments agreed to by the applicant, the proposed site and development plan and landscape plan.

1. Plan Documentation and Supporting Information. Said site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:
  - a. Proposed Special Use District uses.
  - b. Any existing uses, buildings, and structures.
  - c. Proposed buildings and structures.
  - d. Off-street parking layout.
  - e. Vehicular entrances and exits and turn-off lanes.
  - f. Setbacks.
  - g. Landscaping, screens, walls, fences.
  - h. Signs, including location, size and design thereof.
  - i. Sewage disposal facilities.
  - j. Storm drainage facilities.
  - k. Other utilities if above ground facilities are needed.
2. Site and Development Requirements. Land in the SU Districts is subject to the following site and development requirements.

In review of the proposed site and development plan, the Commission shall assess whether said site and development plan, proposed uses, buildings and structures shall:

- a. be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan;
- b. create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Special Use District and with adjacent uses;
- c. provide sufficient and adequate access, parking and loading areas;
- d. provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- e. provide adequately for sanitation, drainage and public utilities; and
- f. allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.

C. Public Notice. Public notice of the filing of an application under this section and public notice of the decision by the Administrator relative to such application shall not be required.

D. Administrator's Approval. The Administrator shall be required to use the standards of Section 2.04, B, 2, and Section 2.04, F in the review and disposition of such structures and improvements.

Appeal of Administrator's Decision. Where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to appeal such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval as an appeal in the form of an Approval Petition. Such appeal shall be filed within ten (10) business days of approval or denial of said approval as specified in, and following, the Rules of Procedure of the Metropolitan Development Commission. In any appeal decision, the Commission shall make written findings of its decision as required in Section 2.03, B, 3.

E. Improvement Location Permit Requirements. No building or structure shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated in said Special Use Districts of Indianapolis, Marion County, Indiana, without an Improvement Location Permit, and said permit shall not be issued until the proposed site and development plan has been approved in accordance with this Section.

BF. Development Standards. In addition to the site and development requirements of Section 2.04, B, 2, All uses permitted within the Special Use Districts shall be administratively reviewed (as noted in Section 2.04, A, 1), using as an administrative guide, the development standards applicable to the specified District as follows:

| <u>Special Use<br/>Zoning District</u> | <u>Applicable District For Development<br/>Standards Compliance-Review</u> |
|--|--|
| SU-1                                   | C-1  |
| SU-2                                   | C-1  |
| SU-3                                   | C-5  |
| SU-5                                   | I-2-S  |
| SU-6                                   | C-2  |
| SU-7                                   | C-2  |

|       |  |
|-------|--|
| SU-8  | C-2  |
| SU-9  | C-1  |
| SU-10 | C-1  |
| SU-13 | (As per Section 2.04, <del>GG</del> )                            |
| SU-16 | C-5  |
| SU-18 | I-1-S  |
| SU-20 | C-1  |
| SU-23 | I-5-S  |
| SU-28 | I-4-S  |
| SU-34 | C-3  |
| SU-35 | I-2-S  |
| SU-37 | C-1  |
| SU-38 | C-3  |
| SU-39 | C-1  |
| SU-41 | I-5-S  |
| SU-42 | C-1 (And as per Section 2.04, <del>DH</del> )                    |
| SU-43 | I-1-S  |
| SU-44 | C-3 (G.O. 92, 1994)<br>(And as per Section 2.04, <del>EI</del> ) |

The Administrator, in reviewing Special Use District development, shall ~~consider~~ have the power to modify the standards noted above, and may approve alternatives for those requirements so long as the alternative standards are appropriate for the site and its surroundings, and the site development is compatible and consistent with the intent of the stated standards. Such modifications shall be noted on the site and development plan, stamped approved by the Administrator and become a part of the file and requirements for the Improvement Location Permit.

~~GG~~ *Additional Development Standards for the Special Use XIII (SU-13) District.* In addition to the regulations of Section 2.00, A and B, and Section 2.04 A ~~and B~~ through F, the following regulations shall apply to Special Use District XIII (SU-13):

1. *Land use restriction.* Land use permitted in the SU-13 District shall be limited to "sanitary landfill" operations, as defined in Section 2.05, B. Whenever the applicable standards or requirements of any other ordinance, or governmental unit or agency thereof are higher or more restrictive, the latter shall control land use permitted in the SU-13 District. "Open Dumping", as defined in Section 2.05, B, shall not be permitted in the SU-13 District. No use in the SU-13 District shall be maintained or operated in a manner constituting a hazard to health, safety or the public welfare.
2. *Minimum lot area.* Ten (10) acres.
3. *Minimum frontage.* Three hundred (300) feet.
4. *Minimum yards.* Minimum required depth of front, rear and side yards, surrounding the landfill operation: One hundred (100) feet.  
  
No landfill operation, or portion thereof, shall be permitted within one hundred (100) feet of any lot line.
5. *Fencing.* The entire landfill operation shall be enclosed with a substantial wall, fence at least ~~five~~ (5) feet in height, or other adequate barrier.
6. *Buffer Strip.* A buffer planting strip, requiring trees, shrubs and woody vegetation, at least ~~thirty~~ (30) feet in depth, shall be provided and maintained between the lot lines and the above required fencing or other enclosure.

7. *Signs.* Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
8. *Access Drive.* Distance of driveway entrance or exit from any adjacent lot line shall be at least one hundred twenty-five (125) feet.

Any portion of such access drive within a distance of one hundred fifty (150) feet of the public street shall be paved or treated so as to be dust free.

9. *Required permit, site & operational plan; bond.*

- a. No sanitary landfill operation (or phase thereof) shall be permitted in the SU-13 District until a Permit has been issued by the Neighborhood and Development Services Division and a bond filed therefore, as required by sub-paragraph b. hereof.
- b. Applications for the Permit required by subparagraph a. above shall be made in writing and shall be accompanied by a corporate surety bond for the faithful performance of all applicable requirements of this ordinance, including the operation and the completion of the sanitary landfill in accordance with the approved Site and Operational Plan, as required by sub-paragraph c. hereof. (Such Permit may be issued and bond filed for the total operation or for one or more phases thereof, as shown on the Site and Operational Plan.)

Said bond shall run jointly and severally to the Metropolitan Development Commission of Marion County, Indiana, and any other governmental agency requiring a similar bond, and shall be in the amount of ten thousand dollars (\$10,000.00) per operation, with approved surety. Said bond shall specify the time for completion of all applicable requirements of this ordinance and shall specify the total operational area, or phase thereof, covered by the bond.

- c. Applications for the Permit required by sub- paragraph a. above shall be accompanied by the following:
  - (1) proposed Site and Operational Plan, including topographic maps (at a scale of not over one hundred [100] feet to the inch) with contour intervals which clearly show the character of the land and geological characteristics of the site as determined by on-site testing or from earlier reliable survey data, indicating soil conditions, water tables and subsurface characteristics.

Said Plan shall indicate: the proposed fill area; any borrow area; access roads; on-site drives; grades for proper drainage of each lift required and a typical cross- section of a lift; special drainage devices if necessary; location and type of fencing; structures existing or to be located on the site; existing wooded areas, trees, ponds or other natural features to be preserved; existing and proposed utilities; phasing of landfill operations on the site; a plan and schedule for site restoration and completion; a plan for the ultimate land use of the site; and all other pertinent information to indicate clearly the orderly development, operation and completion of the sanitary landfill. Approval of said Site and Operational Plan by the Administrator of the Neighborhood and Development Services Division shall be required prior to the issuance of said permit.

- (2) An area map.

10. *Operation.*

- a. Supervision of operation. A landfill operation shall be under the direction of a responsible individual at all times. Access to a sanitary landfill shall be limited to those times when an

attendant is on duty and only to those authorized to use the site for the disposal of refuse. Access to the site shall be controlled by a suitable barrier.

- b. Unloading of refuse. Unloading of refuse shall be continuously supervised.
- c. Site maintenance. Measures shall be provided to control dust and blowing paper. The entire area shall be kept clean and orderly.
- d. Spreading and compacting of refuse. Refuse shall be spread so that it can be compacted in layers not exceeding a depth of two (2) feet of compacted material. Large and bulky items, when not excluded from the site, shall be disposed of in a manner approved by the Health and Hospital Corporation.
- e. Daily cover. A compacted layer of at least six (6) inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.
- f. Final cover. A layer of suitable cover material compacted to a minimum thickness of two (2) feet shall be placed over the entire surface of each portion of the final lift not later than one (1) week following the placement of refuse within that portion.
- g. Maintenance of cover. All daily cover depths must be continually maintained and final cover depths shall be maintained for a period of two (2) years.
- h. Hazardous materials, including liquids and sewage. Hazardous materials, including liquids and sewage, shall not be disposed of in a sanitary landfill unless special provisions are made for such disposal through the health department having jurisdiction. This provision in no way precludes the right of a landfill operator to exclude any materials as a part of his operational standards.
- i. Burning. No refuse shall be burned on the premises.
- j. Salvage. Salvaging, (the controlled removal of reusable materials), if permitted, shall be organized so that it will not interfere with prompt sanitary disposal of refuse or create unsightliness or health hazards. Scavenging (the uncontrolled removal of materials) shall not be permitted.
- k. Insect and rodent control. Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner. Supplemental insect and rodent control measures shall be instituted whenever necessary.
- l. Drainage of surface water. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.
- m. Characteristics of cover material. Cover material shall be of such character that it can be compacted to provide a tight seal and shall be free of putrescible materials and large objects.
- n. Water pollution and nuisance control. Sanitary landfill operations shall be so designed and operated that conditions of unlawful pollution will not be created and injury to ground and surface waters avoided which might interfere with legitimate water uses. Water-filled areas not directly connected to natural lakes, rivers or streams may be filled with specific inert material not detrimental to legitimate water uses and which will not create a nuisance or hazard to health. Special approval of the inert material to be used in this manner shall be

required in writing from the Health and Hospital Corporation. Inert material shall not include residue from refuse incinerators.

- o. Equipment. Adequate numbers, types and sizes of properly maintained equipment shall be used in operating the landfill in accordance with good engineering practice and with these rules.

Emergency equipment shall be available on the site or suitable arrangements made for such equipment from other sources during equipment breakdown or during peak loads.

11. *Completion of landfill.* Upon completion of the landfill operation, or any phase thereof as indicated on the approved Site and Operational Plan, the land shall be graded, backfilled and finished to a surface which will:
  - a. result in a level, sloping or gently rolling topography in substantial conformity or desirable relationship to the original site, and land area immediately surrounding, and
  - b. minimize erosion due to rainfall. Such graded or backfilled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of vegetation producing land areas immediately surrounding, and to a depth of at least six (6) inches.

Said topsoil shall be planted with trees, shrubs, legumes or grasses, as indicated on the approved Site and Operational Plan.

~~DH.~~ *Additional Development Standards for the Special Use XXXXII (SU-42) District.* In addition to the regulations of Section 2.00, A and B, and Section 2.04 A ~~and B~~ through F, the following regulations shall apply to all gas conditioning and control facilities, including odorizing, mixing, metering and high pressure regulating substations permitted under such Special Use District XXXXII (SU-42), and where the word "lot" is used in the following twelve paragraphs it shall be deemed to include, but not be limited to, any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or area or parcel of land or site:

1. The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The requirements pertaining to the storage, utilization or manufacture of all products or materials contained in the standards prescribed by the National Fire Protection Association are hereby incorporated into this ordinance by reference and made a part hereof, a copy of which is on file in the office of the Neighborhood and Development Services Division, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacture shall not produce a hazard or endanger the public health, safety and welfare.
2. All uses shall conform to the Atomic Energy Commission's standards for protection against radiation. The Atomic Energy Commission's standards for protection against radiation are hereby incorporated into this ordinance by reference and made a part hereof, a copy of which is on file in the office of the Neighborhood and Development Services Division, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof.
3. All uses shall conform to the Federal Communications Commission's standards governing electromagnetic radiation. The Federal Communications Commission's standards governing electromagnetic radiation is hereby incorporated into this ordinance by reference and made a part hereof, a copy of which is on file in the office of the Neighborhood and Development Services Division, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof.



4. No building or structure for uses permitted under such Special Use District XXXXII (SU-42) shall be constructed and no premises shall be used for such purposes on any lot which does not have direct frontage on one (1) permanently surfaced public street or highway.
5. All uses permitted under such Special Use District XXXXII (SU-42) shall provide hardsurfaced, off-street parking areas, including as a minimum requirement one (1) space (containing three hundred-thirty [330] square feet in addition to the necessary ingress and egress lanes) for each two employees, computed on the basis of the greatest number of persons employed at any one period during the day or night. Such parking areas must not extend within twenty (20) feet of any lot boundary except where said lot boundary abuts an active railroad line. Such parking areas shall not be leased or rented for hire, but shall be for the sole use of the occupants and visitors of the premises.
6. The total of the gross floor area of all structures on the lot, excluding the gross floor area of off-street parking building space, shall not exceed one-half (1/2) the area of the lot on which the structures are located.
7. A front yard shall be required along every front lot line. A front yard shall be not less than the established setback for abutting land; provided, however, in the event such established set-backs of abutting land shall not be of equal depth, the front yard shall be not less than the depth of the greater, and in the event the abutting land is in an Industrial or Commercial District, the front yard shall be not less than sixty (60) feet in depth. Provided further that in the event said lot adjoins a Dwelling District, the fence and hedge referred to in paragraph (12) hereof shall not be located closer to any street right-of-way than the established setback line of said Dwelling District, said fence to be not less than fifteen (15) additional feet from the outside of the building or structure as provided in said paragraph (12) hereof. Except for necessary walks, drives and parking areas not exceeding ten percent (10%) of the front yard area, a front yard shall be planted in grass or other suitable ground cover.
8. A side yard shall be provided along each side lot line. A side yard shall be at least fifty (50) feet in depth (except where it abuts a main line railroad) plus one (1) foot for each foot of height by which the building or structure exceeds twenty (20) feet.
9. A rear yard shall be provided along each rear yard line. A rear yard shall be at least fifty (50) feet in depth (except where it abuts an active main line railroad) plus one (1) foot for each foot of height by which the building or structure exceeds twenty (20) feet.
10. All signs shall meet the requirements of the Sign Regulations of Marion County, Indiana (71-AO-4, as amended).
11. All gas conditioning and control facilities permitted under such Special Use District XXXXII (SU-42) and equipment relating thereto shall be housed in buildings or structures of masonry construction, unless otherwise prescribed by law or by the standards of the National Fire Protection Association which are incorporated herein by reference and made a part hereof.
12. Each building or structure housing such facilities and equipment shall be enclosed by a six (6) foot chain link fence, with locked gate, not less than fifteen (15) feet from the outside of such building or structure and a compact hedge not less than six (6) feet in height between such fence and the property line. Said hedge shall not be located closer than twenty-five (25) feet to any street right-of-way. In the event said lot adjoins a Dwelling District, said fence and hedge shall not be located closer to any street right-of-way than the established setback line of said Dwelling District.

~~E~~. *Additional Regulations Applicable to Special Use XXXXIV (SU-44) District (G.O. 92, 1994).* In addition to the regulations of Section 2.00 A and B, and Section 2.04 A ~~and B~~ through F, the following regulations shall apply to Special Use District XXXXIV (SU-44):

1. *Permitted Uses.* The only commercial activities permitted in this district shall be:

- ~~a-~~ pari-mutuel wagering on horse races, and
- ~~b-~~ providing full service dining facilities

by the holder of a satellite facilities license issued under IC 4-31-5.5.

2. *Development Standards.*

- a. All wagering and food and beverage service shall be conducted entirely inside the facility, which shall be designed so that none of the wagering activities, including bet-taking, video monitors, and odds and contest-result displays, shall be visible to any person at any location outside the facility.
- b. No drive-through service or outside sales shall be permitted.
- c. No outside speakers or video monitors shall be used to advertise or display the contests, odds or other information about the wagering activities conducted within the facility.
- d. Minimum parking of one (1) parking space per employee per largest work shift plus one (1) parking space for each seventy-five (75) square feet of gross area of the facility.
- e. No accessory structures shall be permitted.
- f. Lighting of parking area.
  - (1) When parking areas are illuminated, the lighting equipment shall provide good visibility with a minimum of direct glare.
  - (2) In applying exterior lighting, equipment shall be of an appropriate type and be so located, shielded and directed that the distribution of light is confined to the area to be lighted.
  - (3) Objectionable light onto adjacent properties and streets shall be avoided to prevent direct glare or disability glare.
  - (4) Lighting levels for outdoor parking areas shall meet the following minimum average maintained horizontal footcandles (as specified in Architectural Graphics Standards, Eighth Edition, Ramsey/Sleeper John Wiley and Sons, Inc., New York, New York). The minimum average maintained horizontal footcandles specified in Architectural Graphics Standards for lighting levels for outdoor parking areas are hereby incorporated into this ordinance by reference and made a part hereof, a copy of which is on file in the office of the Neighborhood and Development Services Division of the Department of Metropolitan Development of Marion County, Indiana and is hereby incorporated by reference and made a part hereof.
  - (5) Further, it shall be prohibited to:
    - (a) light an area by the use of stringers or unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter; and

- (b) make use of attention attracting lighting from any apparatus of any type similar to that used by emergency vehicles.
- g. Signs. All signs shall meet the requirements of the Sign Regulations of Marion County, Indiana (71-AO-4, as amended).
- 3. No use of any land, structure or premises shall be permitted if any portion of the perimeter of the subject lot is located within five hundred (500) feet of the following zoning districts:
  - a. Dwelling Districts,
  - b. Historic Preservation Districts,
  - c. Park Districts,
  - d. University Quarter Districts,
  - e. SU-1 District (Church),
  - f. SU-2 District (School),
  - g. SU-37 District (Library),
  - h. SU-38 District (Community Center).

In addition to the zoning districts noted above, this regulation shall also apply to any portion of the perimeter of a lot containing a church, elementary school, junior high school, high school, as defined in IC 20-10.1-1, college or university regardless of zoning classification.

If such use is a part of or included within an integrated center, the perimeter of the portion thereof or leased space occupied by such use shall be deemed the perimeter of the lot for purposes of the above distance computation.

#### Sec. 2.05 Construction of Language and Definitions.

A. *Construction of Language.* The language of this ordinance shall be interpreted in accordance with the following regulations:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this ordinance and any illustration or diagram, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".

7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - c. "Either...or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

*B. Definitions.*

1. *Administrator.* Administrator of the Neighborhood and Development Services Division or his/her appointed representative. Where the 1400 series of IC-36-7-4 gives authority to perform a function to Commission staff, the administrator, or his/her appointed representative, shall be deemed to be Commission staff.
2. *Building.* Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.
3. *Commission.* The Metropolitan Development Commission of Marion County, Indiana.
4. *Commitment.* An official agreement concerning and running with the land as recorded in the office of the Marion County Recorder.
5. *Condition.* An official agreement between the municipality and the petitioner concerning the use or development of the land as imposed by the Board of Zoning Appeals.
6. *Gross floor area.* The number of the square feet of horizontal floor area of a building measured from the exterior faces of the exterior walls or from the center line of wall separating two abutting buildings.
27. *Hardsurfaced.* Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.
8. *Height building.* The vertical distance above a reference line measured to the highest point of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:
  - a. the elevation of the highest adjoining sidewalk or ground surface within a ten (10) foot horizontal distance from and paralleling the exterior wall of the building or structure when said sidewalk or ground surface is not more than ten (10) feet above lowest grade;
  - b. an elevation ten (10) feet higher than the lowest grade when said sidewalk or ground surface is more than ten (10) feet above the lowest grade.
9. *Legally established or non-conforming reason of building or structure.* Any continuous, lawfully established building or structure erected or granted variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the zoning district.

- ~~10~~ 10. *Legally established non-conforming use.* Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment, or grant a variance of the zoning ordinance but which fails, by reason of such adoption, revision, or amendment, or variance to conform to the present requirements of the zoning district.
- ~~3~~ 11. *Lot line.* The legal boundary of a lot as recorded in the office of the Marion County Recorder.
- ~~4~~ 12. *Lot line, front.* The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or, in the case of a through lot, the lot line which most closely parallels the primary entrance to the primary structure shall be considered the front lot line, or so declared by the Administrator.
- ~~5~~ 13. *Lot line, rear.* A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot any, any lot line which intersects with a front lot line shall not be considered a rear lot line.
- ~~6~~ 14. *Lot line, side.* Any lot line not designated as a front or rear lot line.
- ~~7~~ 15. *Open dumping.* A site where refuse is dumped, which due to lack of control may create a breeding place for flies and rats, may catch fire or produce air pollution.
16. *Permitted use.* Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.
- ~~8~~ 17. *Religious use.* A land use devoted primarily to divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to, educational, instructional, social or residential uses.
- ~~9~~ 18. *Sanitary landfill.* A method of disposing of refuse on land without creating nuisances or hazards to public health, safety, or welfare by utilizing principals of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, covering it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary.
19. *Setback.* The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line.
20. *Setback line.* A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line.
21. *Site plan.* The plan, or series of plans, drawn to scale, for one or more lots on which is shown the existing and proposed location and conditions of the lot including as required by the Improvement Location Permit Ordinance, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, center lines of rights-of-way, and dimensions.
22. *Structure.* A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.
23. *Thoroughfare plan.* The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC-36-7-4 that sets forth the location, alignment, dimensions, identification and classification of freeways.

~~40-~~ 24. *Yard, front.* An open space unobstructed to the sky, extended fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line.

~~44-~~ 25. *Yard, rear.* An open space unobstructed to the sky extending fully across the lot situated between the rear lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line.

~~42-~~ 26. *Yard, side.* An open space unobstructed to the sky extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first.

Sec. 3.00. Severability. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

Burt Lewis

Sullen Hart

STATE OF INDIANA, MARION COUNTY )  
 ) SS:  
CITY OF INDIANAPOLIS )

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 28th day of November, 1995.

Suellen Hart  
Suellen Hart, Clerk, City-County Council

GENERAL ORDINANCE RECORD 1995 PAGE